

**Superior Town Council
Town Council Meeting**

**Thursday, September 20, 2007
Superior Senior Center
Superior, Arizona
7:00 p.m.**

M I N U T E S

A. Call to Order

Mayor Hing called the meeting to order at 7:05 p.m.

B. Salute to the Flag

Mayor Hing led the Town Council, staff and the audience in the Pledge to the Flag.

C. Opening Prayer

Mayor Hing led the Town Council, staff and the audience in a brief opening prayer.

D. Roll Call

Members Present: Mayor Hing, First Vice Mayor Valenzuela, Councilmember Cervantes, Councilmember Heglie, Second Vice Mayor Lopez, Councilmember Peralta

Members Absent: Councilmember Marquez

A quorum was established and the meeting continued. Mayor Hing also showed the public where all the exits were in the building should there be an emergency with such a large crowd present.

E. Consent Agenda

Mayor Hing introduced the items on the consent agenda. The items in the consent agenda for approval were:

Approval of the Minutes from September 6, 2007 – Regular Meeting
Blanket Permit for Superior Animal Rescue League

Second Vice Mayor Lopez made a motion to approve the consent agenda. Councilmember Heglie seconded the motion. The motion was approved unanimously.

F. Communications

Mayor Hing announced that communications was not placed on the agenda however he wanted to give Councilmember Cervantes an opportunity to communicate information regarding the Vietnam Memorial community event.

Mayor Hing also read his response to the comments made by Roy Chavez. – (See Attached)

Veterans Memorial – Councilmember Cervantes

Councilmember Cervantes invited the public to attend the Vietnam Memorial Celebration to celebrate the completion of the memorial dedicated to the local residents who lost their lives serving our country in Vietnam. He explained that the Rolling Thunder Vietnam Veterans were expected to attend and that the event will be held on Saturday, September 29th at the Fairview Cemetery. He encouraged everyone to attend.

Call to the Public

Mayor Hing explained that anyone wishing to make a comment regarding something that is not on the business agenda may do so however the comments can only be directed to the Mayor and the Mayor cannot respond.

Mayor Hing also introduced Mayor Medina from Miami to the meeting.

Mayor Medina – Mayor Medina gave greetings from Miami to the Mayor and council and explained that he has been dealing with a few health problems. Mayor Medina expressed that he did not understand why Superior has not voted to support Resolution Copper. He explained that many people from both Miami and Superior were asking him why things were not moving ahead in Superior. He reminded the council and the crowd present at the meeting that all of the communities in the area Miami, Kearny, Globe, and Hayden were all mining communities. He explained that should the Superior Council not vote to support the Resolution Project or accept the MOU that he would call President Rickus at 7:30 a.m. on Friday the next day and will welcome Resolution to work and have headquarters in Miami.

Mike McKee – Explained that he had one goal and that was to get as many signatures as possible to show support for the Resolution Copper Project and the

Land Exchange. He presented the Mayor and Council each a set of the signed petitions.

Hank Gutierrez- Mr. Gutierrez explained his concerns over the tactics and responses from the Concerned Citizens and Retired Miners (CCRM) he also expressed that the actions by the Chamber of Commerce President in conjunction with the CCRM were not aligned with the membership of the Chamber of Commerce. He referenced the Community Awareness day held by the CCRM and wanted to know what exactly would people from Philadelphia do for our community he asked if they had been here to help when the mine first shut down.

Many of the people who support this project are the productive residents who are busy working out of town, raising their families, working on homework with their children. Mr. Gutierrez expressed his support and asked the council to take note of the opposition but to weigh all the benefits and don't take this decision lightly.

Mary Gooday – Ms. Gooday principal of the John F. Kennedy Elementary school also asked the council to support the Resolution Copper project and explained all the benefits that the school receives from Resolution Copper, such as funding for the nature club, backpacks for the kids, supplies for the teachers, funding for field trips, and other additional support to the Math and Science programs. She explained that this project is designed for the future and will benefit the kids of today when they are adults by providing a sustainable economy so they have job opportunities. She also explained that this project has brought new families to town, and she would not like to have to see them leave and this project will assist with additional enrollment.

David Fawn - Announced the Crime Free Superior meeting on Tuesday, October 2, 2007 at 6:30 p.m. He explained this is a grass roots coalition to address the crime problems in Superior.

Manuel Ortega - Argued that the people who were at the meeting were not all Superior residents they were from out of town and were told to be there by Resolution. He said that these people do not care about the mountains or the water or the environment because they go home to their homes in AJ, Mesa or where ever they live. He stated the town is just fine without the mine. He explained that he worked with Mayor Medina in the mines. Mr. Ortega stated they are for the project but do not want to have block cave mining and they just want to know where the water is going to come from. He stated that this company would be raping the town. He asked why we can't just kick back a little and have some independent studies done to prove that the mountain won't fall in or the water wont dry up.

Diane Crespin- Responded and reacted to Mr. Ortega's comments and asked

everyone that is from Superior to stand up. She explained that she is speaking as a resident who moved back home because she loves this town and that her husband works for Phelps Dodge and they are definitely a mining family. She reminded the Mayor and Council what Main St. looked like when Magma was operating the mine.

She also commented as an employee of the Superior Schools she explained that for every student we have the district gets \$5,000 per student however many families are leaving because we do not enough programs in our schools for the kids – she expressed her concerns that if the students left, the school would loose money and not be able to offer any additional programs. She urged the council to support the MOU and the Resolution Copper Project.

Billy Preciado – Explained that he is the President of the Superior Optimist Club. He took that moment to thank Resolution Copper for their support of the many programs the Optimist Club hosts each year to support the youth. He reminded the council that they are always saying to do things for the youth and this is a very important project for the youth.

Curt Williams – Mr. Williams addressed council regarding due diligence for a terrible mistake the council made hiring the town manager. He stated that she needs to resign.

Felicia Ortega – She referenced a public copy of a letter from Resolution denying the request of the Mayor to give the school an additional \$200,000. She told everyone to read this letter.

Charlene Orlick – Explained that Resolution Copper wined and dined the Mayor and Council to support their project. The council has been influenced to support Resolution Copper and Real Estate investors. She asked council to say *no* to the Land Swap.

John Delgado – Referenced his concerns with the need for water and the anaconda reservoir and aquifer and that we do not need sacred ground taken away.

Harry Smith - Responded to some of the concerns made regarding the CCRM's. He explained that the water Superior uses for consumption comes from the Florence Junction area and our water tables will not be affected by the mine. He also cited the fact that the number nine shaft will be dewatered and that water can be used for the mine as well.

He also explained that the ore body is to the east of Apache Leap and the leap will not be affected that the shafts and other mine infrastructure will be placed there and

if it were going to collapse then all their infrastructure would also cave in. He also addressed the clean up of the mill/west plant. He explained that Magma left a huge mess when they shut down and Resolution invested 15 million dollars in clean up. Mr. Smith also explained that Globe and Miami are in favor of it and council should not wait.

Sylvia Delgado-Barrett – Addressed the fact that she lives in Queen Creek and even in her city they are taking action on this issue because it will affect the valley as well. She also asked for the Mayor of Miami to apologize to the Superior council because they took action regarding this item without even consulting the Superior Council. She explained that this project affects not only Superior but also state and the nation.

Henry Munoz - explained that he was a miner for 23 years and that he was also a member of the Town Council for 3 terms and he understood the impact of the mines and economic development. He referenced a water study done by Brown and Caldwell stating that Queen Creek is a perennial stream and now only flows when there is a large rain. He reviewed various statistics from the study that stated that Queen Creek drained approximately 200 acre feet per year in 1983 and how 1 acre foot of water will support 4 people for a year.

Business

Possible Discussion and/or action on the following

Presentation regarding mining and possible environmental/physical impact and related issues – Resolution Copper

Mayor Hing explained that in recent months bills to enact the Southeast Arizona Land Exchange have been introduced into Congress and the Town of Superior recently sent letters to Congress to request that the bills be held for further mark up until local issues regarding the MOU and the environment could be answered. Mayor Hing announced that Mr. Rickus President of Resolution Copper would be giving a formal presentation to the Mayor and Council so formal decisions could be made today.

President Rickus explained that he would be giving two presentations: one regarding their approach to being a good neighbor with Superior and formal presentation on the MOU, and an environmental presentation.

Mr. Rickus explained that Rio Tinto has received numerous awards for being leaders in the mining industry, for working with local communities, environmental and safety issues. Mr. Rickus gave an overview on what Resolution Copper has currently provided to Superior and the local area as far

as charitable giving, and community support. He explained that they pay for half of the salary for a representative from the AZ. Department of Commerce to work with the local Economic Development Committees which have been successful in attaining grants for WiFi Internet, and rehabilitation of the Magma Club. He explained that they are committed to cleaning up the West Plant site/mill area which will cost a total of \$50 million dollars: \$15 million already spent and \$35 million for cleanup. He explained that Resolution is committed to helping develop a heritage park for tourists and residents to view the smelter and other mining areas and they have also entered into conversations with Cobre Valley Hospital and the Town of Superior for the development of a clinic and hospital.

Mr. Rickus explained that specifically Resolution Copper has given the town \$40,000 dollars for police and fire service and are committing to \$100,000 a year for the police and fire department with an inflation index being added.

There will be \$100,000 and would eventually increase to \$400,000 a year given to the town to support community development projects and would be administered by a community based committee, which will include a local resident who is employed by Resolution Copper and other community members that are appointed by the council. This funding would also include an inflation index. Mr. Rickus explained that these funds could support community projects like parks, community education, and youth activities.

Mr. Rickus explained the financial benefits of the land exchange. He explained the benefits to the town and to the state, explaining that the land that would be exchanged includes the airport property and cemetery. Mr. Rickus explained that a sister subsidiary of Rio Tinto/Kennecot could be made available to help the town if they wanted to use those development services to develop the property for additional tax revenues for the town. The other lands that would be exchanged would include areas along the San Pedro River that would allow for that important riparian area to be preserved from further development. Mr. Rickus also explained that should the land that is being exchanged value for more than the land that is being swapped there would be a payment program that would allow the town to pay the land off in payments should that option be needed.

As to the request to maintain Magma Avenue, Mr. Rickus explained that Resolution has now developed a road through the smelter town/west plant area that provides access to the mine headquarters and now there will no longer be heavy truck traffic traveling on Magma Ave other than regular passenger trucks, vans and cars. He explained that Resolution would contribute \$50,000 to support the town funds to repave Magma Avenue.

Campground replacement and Apache Leap, Mr. Rickus explained that they will be developing their shafts and many offices in the immediate area and they are not going to do anything that would cause Apache Leap to collapse. The legislation language as written in the land exchange protects Apache Leap from development and calls for a campground to be placed near the Superior area. Mr. Rickus explained that Resolution has contacted Senator Kyle to begin conversations with the Forest Service for this project.

Mr. Rickus stated that Resolution purchases all the company vehicles from a local dealership, purchases all gas locally and as often as possible purchases products through Superior in order to keep the sales tax revenue local and that they do use the local restaurants for catered events, lunches and dinner meetings.

Mr. Rickus explained that Resolution is committed to providing access to the upper Queen Creek canyon however they need to work with the Mine Safety and Health Administration (MSHA) on some guidelines similar to the ones the climbers use since the property is mine property and should there be an accident while someone was on the trail, it would affect their MSHA reporting even though it was not an actual mining accident.

Regarding the MARCO rail road Mr. Rickus explained they are committed to keeping the railway open but they do need to do some major work to the railway. He explained that he has been meeting with other agencies to create an industrial corridor on the rail line and that Resolution rents a train to run on the tracks monthly so the local residents understand that there is a rail way that runs through their area. He explained that they have been working with Omya to use the line, but it is still more cost effective for Omya to have their products and supplies trucked in rather than by rail.

Mr. Rickus explained that Resolution has lobbied to assist with the current expansion of US 60 but on any other plans they would support what the Town of Superior saw as the best option for the town. He explained that their initial lobbying was in support of the town and the region because the project funding for the Gonzales Pass US 60 expansion was slated to be moved to another ADOT project.

Mr. Rickus explained that Resolution is committed to provide funding if town passes a resolution of support and retracts their letters to Congress. He also explained that Resolution will support friendly annexation of the Smelter Town area and west plant area but there still had to be further studies done on this. Mr. Rickus also explained that once this agreement is accepted, it would have to

be ratified by the council every year.

Mayor Hing explained that the council would discuss these items in the executive session. No further comments were made prior to the environmental presentation.

Mr. Rickus began his presentation on the Environmental impacts of the project and project timelines.

He explained that the mine would not actually start sending invoices until 2018 when the mine enters production. He explained that the mine would remain in pre feasibility studies until 2010 and those feasibility studies would include public participation in both a private environmental study and the NEPA impact studies. Mr. Rickus stated that the life of the mine is expected to last until 2060 possibly longer. He explained that mines must now plan for closure at the beginning of development.

Mr. Rickus explained that they do not have any intention on depositing the tailings at the west plant site. He said their intentions were to work with Pinto Valley Mine (BHP) and Asarco to fill their pits with the tailings and rehabilitate those areas with the tailings and landscaping. He referenced the current clean up projects at the west plant and reiterated that the tailings will not be deposited at the west plant site.

Mr. Rickus explained that it will take five years to construct the number 10 shaft. He explained that the main challenge currently facing the company is the approval of the land exchange.

Mr. Rickus explained why Resolution needs to acquire the land to develop the project. He stated that the number 10 shaft would be placed on the forest service land, and they need to do more extensive drilling in order to complete the required feasibility studies. Mr. Rickus again explained that although the Oak Flats will no longer be public lands, the bill requires a campground to be placed near the Superior area. He explained that Mayor Hing was instrumental in having this verbiage added to the land exchange bill and they are working with Sen. Kyle on talking with the forest service to begin these discussions. He stated that Resolution does have several ideas for a local campground but final decisions would be made by the town and forest service.

Mr. Rickus addressed the surface impact of the block cave mining. Mr. Rickus explained that although there will be surface impact it will not harm Apache Leap he stated that the land exchange bills calls for a conservation easement on Apache Leap, he also stated that the Oak Flats would stay available to the public

as long as it is safe. He also explained that any damage to Apache Leap would affect their shafts which the new number 10 shaft will cost over 1 Billion dollars to build.

Water issues Mr. Rickus explained that they are purchasing excess water from the Central Arizona Project and use the Magma Irrigation District. Mr. Rickus explained that they were working on reclaiming water and explained that in the winter there is an excess of irrigation water and those waters could be used. Mr. Rickus explained that they have retained the law firm of Snell and Wilmer who will be working with Resolution on the water issues. Mr. Rickus explained that the water will be treated at their waste water treatment plant and could be released into the CAP through the pipeline they constructed along the MARCO rail line and the released water would be suitable for irrigation. Mr. Rickus presented maps that show how the water flows in the area explained how additional studies will be done to determine small seeps in the Devils Canyon area and determine if the seep areas will be affected

Mr. Rickus began to explain the process of block cave mining and again stated that they will not do any block caving that will affect Apache Leap. He again stated that Apache Leap will have a conservation easement placed, on it and the Leap will not be affected or destroyed due to block cave mining. Mr. Rickus explained that they will have full control of the block caving process and will monitor the process through video. He referenced a mine where they do block caving underneath an open pit and how if they have one instance of subsidence in the pit they will clear the pit. He explained how the technology works to monitor the caving and subsidence. They have experts from all over the world working on this project to ensure the safety of the mine and monitoring environment.

Mr. Rickus also explained that the company has advanced its clean up efforts stating that the mine was technically not required to do the clean up of the west plant area until 2060 when the mine is expected to close. Mr. Rickus again stated that Resolution is committed to the environment and meeting the ISO 1400 standards. He explained that although the government requires many permits with high expectations Rio Tinto also requires additional studies with additional non governmental required expectations. He explained that they plan to work for their permits through 2012.

Mr. Rickus also explained that Resolution has always been committed to communications with the public. He explained that they currently have stakeholder meetings to educate the public, they have an open door policy and the office on Main St. will be more accessible to the public to get further information, they have a project hotline where you can leave a message and

someone will get back to you, they have a company newsletter that is mailed out to all residents and they continue to publish articles in the paper.

Mr. Rickus explained that there is great urgency to move this project along because they cannot get more money for the shaft sinking until the land swap is passed. He explained that they have until February 24, 2008 to have this land swap pass through congress and signed by the President of the United States or they will have to let go of many staff and contracts with service providers.

Mayor Hing thanked Mr. Rickus for his presentation and also apologized to the council for allowing the negative comments that were made that implied that the council was wine and dined by Resolution. Mayor Hing explained that this time would be made for the council or the audience to ask questions of Resolution.

Mayor Hing started the question and answer period with a series of questions:

Question 1. How long will the permitting process take?

Mr. Rickus explained that the NEPA process and permitting can take anywhere from 18 months to five years. He explained that Resolution is expecting to take at least 3 years to get through the permitting process and this will also include their additional private environmental studies. He expects to complete the permitting by 2012.

Question 2. Can you clarify the location of the tailings?

Mr. Rickus explained that they are anticipating moving the tailings by conveyor from the ore body to Pinto Valley through an underground conveyor. He explained that the tailings will be used to fill up old pits. He also stated that should they not be able to dump tailings in Pinto Valley they are also discussing dumping at the Ray Pit. He stated they are absolutely sure they will not dump tailings in Superior. Mr. Rickus also explained that due to confidentiality agreements with Pinto Valley he could not elaborate further on the infrastructure of the agreements.

Question 3. Why did the development of the Safford mine require a hydrology study and other environmental studies before the land exchange?

Mr. Rickus explained that they used a different type of land exchange called an administrative land exchange which can take up to 30 years to complete. He explained that this type of land exchange can be completed when you are exchanging land that is adjacent to the land you are swapping however the land

exchange needed for the Resolution project was a legislative land exchange and did not require as much time to complete and was the only exchange type that you could swap lands that were not adjacent to the lands the company is acquiring this is the only way they could include the San Pedro River area. He again explained that the Resolution mine will still have to go through extensive permitting. Mr. Rickus also gave a brief history on the price of copper over that few years and explained that had the price of copper not gone up to the level it has most certainly the mining at the Ray Pit, Pinto Valley and the mill in Hayden would have shut down and those towns would have become ghost towns. Mr. Rickus stated that even if copper was at 85 cents a pound the Resolution project would still be a profitable project to mine. He explained that they wanted to get this project up and running as fast as possible to support the region however he reminded everyone that the mine will not actually invoice anyone until 2018.

Question 4. What affects will the mine have on local aquifers and hydrology or will it affect residents with a home well? How will you guarantee water will be available in 10 years if Lake Powell and Lake Mead are already half empty?

Mr. Rickus explained that the waters that flow to the mine and will be used by the mine do not flow into Superior and the mine will not be using Superior's water source. He explained that this will not affect anyone with a well at their home.

Mr. Rickus explained that new technologies like homes in the superstition vistas do not require as much water. He explained that they will begin to bank water from CAP over the next 10 years and explained that for the most part it will be a very dry mine and will not use as much water as other mines.

Question 5. Will you affect the aquifer if when you get to the 7000 level?

Mr. Rickus explained that they are investigating this to make sure that the mine will not affect the small water seeps on the west side of devils canyon he confirmed that this development will not affect Superior's aquifer/water table.

Question 6. Will subsidence affect US 60 and how will it affect the surface?

Mr. Rickus explained that the mine will be watching the subsidence carefully and at this point they do not anticipate the subsidence getting near the highway because the ore body is not close to the highway. Mr. Rickus again confirmed that should they see something that would create an imminent danger the block caving would stop. He explained that with subsidence the area would swell 20% and would create a 200 foot drop.

Mayor Hing asked the rest of the council if they had any additional questions or comments for Mr. Rickus.

First Vice Mayor Valenzuela asked why if they can assure the council verbally here today why they can not put this in writing, and why can't the permits be issued prior to the exchange? He referenced recent actions by President Bush using General Petraus to provide reports to tell the American people what they want to hear.

Mr. Rickus explained that once the environmental permitting process is started the public will be notified and will be able to give their input he also stated that should the permits not be issued there will not be any way the company can mine.

First Vice Mayor Valenzuela also asked why the mine would not support annexation.

Mr. Rickus explained that they would only support friendly annexation not unfriendly annexation. He explained that once all feasibility studies are done and the uses determined for the west plant and Smelter Town, they will look to see if it is feasible to annex.

First Vice Mayor and Mayor Hing asked for confirmation that the tailings would not be placed at the west plant.

Mr. Rickus confirmed that the tailings would not be placed at the west plant and that negotiations are being made to have the tailings dump either at Pinto Valley or the Ray Pit.

Questions were now made by the public:

Mr. Munoz – explained that he had done extensive research with an adjunct professor from the University of Arizona who consulted on the mining project in Safford. He explained that Phelps Dodge had paid for the study to be done on the impact of the mine on the water tables and other water rights. He stated that those studies took over 10 years to complete. Mr. Munoz stated that this professor Mr. Mc Nish stated that with his experience this mining project would have a direct impact on Queen Creek. He stated that he also called the Bureau of Land Management and they reported to him that the reservoirs are currently half empty and they are concerned because the snow is melting faster than ever before and the mountains in Colorado are not receiving as much

snow. He also explained that the Arizona is now in the 13th year of a drought. He sited that much of this is due to the impacts of global warming. Mr. Munoz explained that he has no problem with mining but he is concerned for the 3400 people who live in Superior will there be enough water for the future.

Mr. Munoz also explained that he went to talk to with the representatives from Resolution Copper on August 24th regarding the tailings and his questions regarding the water. Mr. Munoz stated that Resolution staff member Bruce Marsh explained that the first option was to dump the tailings in Pinto Valley and the second option was in the Ray Pit but only as a last resort they would have to dump the tailings at the West Plant in Superior.

Mr. Marsh explained that he never told Mr. Munoz that tailings would be placed in Superior. Again Mr. Rickus stated that they have no plans to put the tailings in Superior he also explained that there is just not enough room at the west plant for tailings.

Paul from Cave Creek – explained that he does come to Superior to climb and explained how as a climber you have to be safe and double check all your gear. He explained that currently the climbers have an agreement with Resolution to climb in the area and that the insurance policy costs them \$2,000 a year. He asked specifically with the mining will there will be seismic tremors and will they dislodge rocks or be felt by the residents?

Mr. Rickus explained that any seismic activity will be monitored and will be very minimal if any. He explained that should there be seismic activity it will not cause rocks to fall.

Sylvia Delgado-Barrett – explained that she still does not understand subsidence and said that research that she has done says that the land can still be cracking and moving for up to 15 years after the mining has stopped.

Mr. Rickus explained that there will be subsidence and it will be monitored. He explained that the subsidence will not affect Apache Leap and will not affect US 60. He explained that the subsidence will be fully reported in the Environmental Impact Assessment.

Sylvia Delgado Barrett also asked if the company is proposing to ADOT to re route US Highway 60 around Superior and Globe. She referenced the ADOT website that shows proposed routes for the project.

Mr. Rickus explained that the company has remained neutral and does not have

an official position on this, and they would support what ever the town council wanted. He did clarify that Resolution did assist the regional communities with lobbying to keep the current US 60 project on track because the funding was going to be diverted. Mr. Rickus explained that they are committed to safety for their employees, contractors, and suppliers.

Manuel Ortega – asked why an independent study is not going to be done and what happens if they find there is a big problem.

Mr. Rickus stated that the company will have to attain the proper permits and they have many experts who are studying each and every issue and they are confident that their preliminary research has indicated there will not be any problems getting the required permits.

First Vice Mayor Valenzuela also requested more information regarding replacing the camp grounds.

Mr. Rickus explained that Resolution Copper does not have the authority to decide where the Camp Grounds will be located however they do have ideas and are working with Senator Kyle to expedite conversations with the Forest Service he explained that ultimately the town and the Forest Service will make the final decisions.

Felicia Ortega – Spoke with Alan who develops maps and asked why if they know that ore body is in a specified area why cant they just use that area and not all of the Oak Flats – and since Magma owns the road why do they really need all of Oak Flats.

Mr. Rickus explained it was easier and preferred by the Forest Service that they request all of the area rather than pieces. He explained that as long as the area is still safe they anticipate allowing the public to access the land however they have to maintain the safety of the area.

Mr. Ober wanted to clarify and make sure there are no misunderstandings regarding Oak Flats stating that if the area remains safe they can work out an agreement similar to the one with the climbers to allow access to the Oak Flats and they can work with the town on that. Mr. Rickus confirmed this statement that if the area remains safe it will still be available to the public.

John – resident from the Highlands wanted more information regarding the safety of the miners in a block caving mine and what is the incidence of tragedy.

Mr. Rickus explained that there was a tragic accident in Australia that happened

at a mine that Rio Tinto now own (they did not own it at the time) Mr. Rickus explained that they are committed to safety and when all safety precautions are taken mining is safe.

Harry Smith – explained that the US Highway 60 project is not up to the town or anyone but ADOT and thanked Mr. Rickus for his presentation and asked him why he just does not move the ore to Miami since they are willing to cooperate.

Charlene Orlick - stated the stoke mining would be better than block caving because they would have to hire 1500 employees rather than the 400 they are proposing.

Mr. Rickus explained that stoke mining is not as affordable and is not a viable process at the elevation they will be mining at. He also stated that the company will have at least 900 mine workers and that does not include the staffs of other contractors and business or other mine employees.

There were no further public comments made. Mayor Hing asked Ms. Cordova to read a letter that was written to Senator Kyle from Governor Napolitano. (Letter is attached)

Mr. Rickus responded to the letter and explained that Resolution has tried to contact the San Carlos tribes on several occasions and they have also requested the assistance from the Governor to work with tribe.

He also stated that in regards to the new climbing park the state is concerned that funding for the park will add to the burdens of the state park system and they are working with Senator Kyle to work with Bureau of Land Management on the BLM managing the park.

In regards to the San Pedro Solar Panels he explained that this is a project that is solely the project of BHP and that he can not speak directly to that he stated that the needed infrastructure is available in San Manuel and could be used as a viable energy source.

Mr. Rickus explained that they are working directly with the Governor and her cabinet member Lori Faith on these issues.

Mayor Hing announced that the council would need to adjourn for the executive session.

Councilmember Heglie made a motion to adjourn the meeting for executive

session. Councilmember Peralta seconded the motion. The motion was approved unanimously and the regular session adjourned at 9:48

I. Council Comments – No comments.

J. Executive Session –The Town Council may or may not vote to go into Executive Session pursuant to ARS 38-431.03 A.3 & 4, LEGAL ADVISE WITH ATTORNEY

1. Discussion for legal advice with attorney regarding proposed service and support memorandum of understanding with Resolution Copper

K. In Public Session

Discussion and action on matters discussed in Executive Session:

1. Possible action regarding Resolution Copper's Services and Support Memorandum of Understanding.

Mayor Hing called the meeting to order from the Executive Session at 10:45 p.m.

Mayor Hing explained that the council has been working on this issue for a long time and the exposure brought to the community by the mine has had positive effects on our real estate market and future economic development. Mayor Hing explained that the town has negotiated with Resolution on the service agreement and the MOA and they have reviewed the final counter offer made by Resolution Copper. Mayor Hing also stated that many people had tried to discredit the council and he explained that this decision was a give and take decision but ultimately was made in the best interest of the community.

Mayor Hing called for a motion to adjourn from the Executive Session. Councilmember Heglie made a motion to adjourn the executive session. Second Vice Mayor Lopez seconded the motion. The motion passed unanimously. The executive session was adjourned at 10:49 p.m.

Mayor Hing also commented on the environmental impact and explained that although Resolution had presented their studies in other forums an official presentation was not made to the council and reminded the public that they will have the opportunity to comment on the upcoming environmental studies. He said that the council appreciated the turn out for the meeting. He asked the council if anyone wanted to comment prior to moving to the votes. No council comments were made.

Second Vice Mayor Lopez made a motion to accept the Memorandum of Agreement and to instruct the attorney to draft the agreement up in a legal contract. Councilmember Peralta seconded the motion. The motion passed unanimously.

Second Vice Mayor Lopez made a motion to adopt a resolution supporting the Land Exchange. Councilmember Peralta seconded the motion. The motion passed unanimously.

Adjournment

Councilmember Peralta made a motion to adjourn the meeting. Councilmember Heglie seconded the motion. The motion passed unanimously. The meeting was adjourned at 10:55 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Superior held on the 20th Day of September 2007. I further certify that the meeting was duly called and held and that a quorum was present.

/s/
Rosie Cordova _____
Rosie Cordova
Town Manager/Clerk

These minutes have been transcribed and complied by
Mila Lira
Miracle Executive Services
www.miracleexecutiveservices.com

